

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

CLARENCE JOHNSON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE,

Defendant.

ORDER

2:06-cv-01248-bbc

Plaintiff has requested additional time to respond to defendant's supplement to its motion for summary judgment because he "is being transferred to another facility [and] due to the upcoming holidays may be caught in transit until after the holidays." Plaintiff says he "will notify the court and defendant upon his arrival at destination."

Plaintiff's current situation is not made completely clear from his motion. Plaintiff suggests that his transfer is pending, but the return address he provides (Memphis, Tennessee) is different from the address he has been using throughout this case, suggesting that he has already been transferred. Court staff have confirmed by calling the Bureau of Prisons that plaintiff is currently in the Memphis facility. It may be that plaintiff is at the

new facility only temporarily, as he suggests, until “after the holidays.”

In any event, I cannot give plaintiff an indefinite extension simply because he believes he may be transferred at some point in the future. Plaintiff does not say that he has been denied any materials he needs to prepare a response. However, because plaintiff’s current deadline is December 13, I will grant him a short extension of time. If plaintiff is correct that he will remain where he is through the holidays, he should have no difficulty submitting a response to the court before another transfer.

ORDER

Plaintiff’s motion for an extension of time to file a response to defendant’s supplement to its motion for summary judgment is GRANTED IN PART. Plaintiff may have until December 21, 2007, to file a response.

Entered this 11th day of December, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge